

PTO/SB92 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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January 29, 2004 on\_\_\_\_\_\_ Date

Willen

William H. Dippert Registration No. 26,723

Reed Smith LLP 599 Lexington Avenue 29th Floor New York, New York 10022-7650

Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Shlomo Ben-Haim et al.

Serial No: 09/980,748

Filing Date: November 15, 2001

For: SHOCKLESS DEBRILLATION

Enclosures: (1) Petition Under 37 CFR § 1.81 (2 pages); (2) Copy of Notification of Abandonment (1 page);

(3) Copy of previously filed Response to Notification of Missing Requirements (13 pages);

(4) Copy of Change of Address (1 page);

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shlomo Ben-Haim, et al.

Serial No.:

09/980,748

Filing Date:

November 15, 2001

For:

SHOCKLESS DEFIBRILLATION

March 28, 2002

Assistant Commissioner for Patents Washington, D.C. 20231

# RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Enclosed herewith are the following:

- (1) A copy of a Notification of Missing Requirements dated January 28, 2002; and
- (2) An executed Declaration.

Any fee due for this submission should be charged to Deposit Account No. 03-3415.

Respectfully submitted

Michael I. Wolfson, I

Reg. No. 24,750

COWAN, LIEBOWITZ & LATMAN, P.C. 1133 Avenue of the Americas New York, New York 10036-6799 I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on March 28, 2002

Date of Deposit

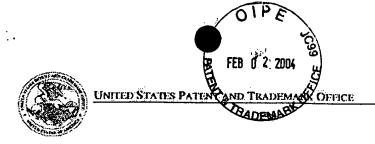
Michael I. Wolfson

Signaty

March 28, 2002

Date of Signature

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 03-3415.



Commissioner for Patents, Box PCT United States Patent and Trademark Office Washington, D.C. 2023

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO.

09/980,748 Shiomo Ben-Haim 20066-21

INTERNATIONAL APPLICATION NO.

PCT/IL00/00302

I.A. FILING DATE PRIORITY DATE

05/25/2000 05/26/1999

William H. Dippert
Cowan Liebowitz & Latman
1133 Avenue of the Americas
New York, NY 10036-6799

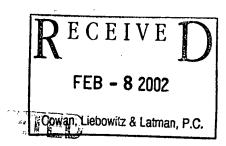
CONFIRMATION NO. 7537
371 FORMALITIES LETTER
CC000000007345157\*

Date Mailed: 01/28/2002

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- . . U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- · Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination



The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

• Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

BARBARA A CAMPBELL

Telephone: (703) 305-3631

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,748	PCT/IL00/00302	20066-21



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. DOS 1450 Alexandria, Vignia 22313-1450 www.upple.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATT	Y DOCKET NO.		
09/980,748	Shiomo Ben-Haim	m 20066-21			
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	_	PCT/IL/00/00302			
		I.A. FILING DATE PRIORI			
William H. Dippert	<del></del>	05/25/2000 05/26/199			

ippeπ און William H. Cowan Liebowitz & Latman 1133 Avenue of the Americas New York, NY 10036-6799

**CONFIRMATION NO. 7537** 

371 ABANDONMENT/TERMINATION **LETTER** 

\*OC000000011521815\*

Date Mailed: 12/18/2003

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

• Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 01/28/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

Express No.

Mailing Date: March 28, 2002 Attorney Ref. No. 20066-21

## BOX PATENT APPLICATION (DO/EO/US)

Asst. Commissioner for Patents Washington, D.C. 20231

Shlomo BEN-HAIM, et al.

Applicant: Serial No: Filed: Por: S

09/980,748 November 15, 2001

JC10 Rec'd PCT/PTO 1 1 APR 2002

SHOCKLESS DEFIBRILLATION

**N CARD STAMP DATE** 

Please have the Mail Division stamp and return this card as acknowledgment of receipt of the following: (1) Transmittal Form; (2) Response to Notification of Missing Requirements; (3) Copy of Notification; (4) Executed Declaration; (5) Information Disclosure Statement; (6) # references.

FEB 0 2 2004

ease type a plus sign (+) inside this box → +

Declaration

required)

PTO/SB/01 (12-97)

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	TIA.	LEOD LITH ITY OR	Attorney Docket Numb	per 20066-21			
DEGLAKA		N FOR UTILITY OR	First Named Inventor	Shlomo BEN-HAIM			
PATE		APPLICATION	COMPLETE IF KNOWN				
(;	37 C	FR 1.63)	Application Number	09/ 980,748			
Declaration	Declaration 17 5 4 4	X Declaration	Filing Date	November 15, 2001			
Submitted with Initial Filing	OR	Submitted after Initial	Group Art Unit				
		Filing (surcharge (37 CFR 1.16 (e))	Examiner Name				

As a below named inve	ntor, I her	eby declare that:				_				
My residence, post office	My residence, post office address, and citizenship are as stated below next to my name.									
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:										
SHOCKLESS DE	KLESS DEFIBRILLATION									
is attached hereto	is attached hereto									
	OR was filed on (MM/DD/YYYY) November 15, 2001 as United States Application Number or PCT International									
Application Number	09/980,748 and was amended on (MM/DD/YYYY) (if applicable).									
I hereby state that I have re amended by any amendment	hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as imended by any amendment specifically referred to above.									
	I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.									
I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also Identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.										
Prior Foreign Application Number(s)		Country	Foreign Filing Date (MM/DD/YYYY)	ì	Priority Not Claimed	Certified Co YES	py Attached? NO			
·					0000	0000	0000			
Additional foreign applica	ation numb	pers are listed on a	supplemental priority d	ata s	sheet PTO/SB/0	2B attached her	eto:			
I hereby claim the benefit u		J.S.C. 119(e) of any	United States provisio	nal a	application(s) lis	ted below.				
Application Number	(s)	Filing Date	(MM/DD/YYYY)							
60/136,092			5/26/1999		Additional provisional appl numbers are listed on a supplemental priority data PTO/SB/02B attached here					

[Page 1 of 2]

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United States United States information w	of Ame or PCT hich is m	efit under 35 U.s rica, listed below International app naterial to patent T international fi	v and, in: dication ir lability as	sofar as the sun the manner posterior defined in 37	ubject matte rovided by the CFR 1.56 to	er of each of the first para	the claims of 35 U	f this appl	ication i	s not disclose wledge the du	ed in the priculty to disclos	
U	.S. Par	rent Applica		PCT Parer	nt		Filing Da		Pare	ent Patent		
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PC	T/IL	00/00302				05/25	/2000					
		PCT internation										
As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the P and Trademark Office connected therewith:  Customer Number  OR  Registered practitioner(s) name/registration number listed below  Label here								tomer r Code				
	Nan	ne		Regis	stration mber			ame			istration umber	
	chael	I. Wolfson	-	1	4,750		Mark I	Montag	ue		6,612	
		Iliam H. Dippert										
Additional	registere	d practitioner(s)	named o	n supplementa	I Registere	Practitione	r Information	sheet PTC	/SB/020	attached her	eto.	
Direct all corr	respond	ence to:		er Number Code Label			OF	₹ <b>¥</b> c	orrespo	ondence add	Iress below	
Name					Willia	am H. Dip	pert .					
Address				Cow	an, Lieb	owitz & L	atman, P	.C.				
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City			New Y	ork		State	NY	ZIP		10036-6799		
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inventor's Signature		S N C - Date								3/12/02		
Residence: C	ity	Cess	saria	State		Country Israel Citizenship					ISR	
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Additional	invento	rs are being n	amed or	the 2 su	pplementa	I Additiona	I Inventor(s	sheet(s)	PTO/S	B/02A attac	hed hereto	

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# **DECLARATION**

# ADDITIONAL INVENTOR(S) Supplemental Sheet Page \_1\_ of \_2\_

				·		····					
Name of Addition		☐ A petition has been filed for this unsigned inventor									
Given Name (first and middle [if any])					Family Name or Surname						
	Nissim					DA	ARVIS	Н			
Inventor's Signature		1	7					Date	13)	3	
Residence: City	Haifa			Country	Israel	Citizenship	Citizenship ISR				
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City	Haifa	State			ZIP	34606i	Country	, l:	srael		
Name of Additio	ional Joint Inventor, if any: A petition has been filed for this uns						is unsigned i	Inventor			
Given Na	Given Name (first and middle [if any])					Family Name or Surname					
	Yuval				MIKA						
Inventor's Signature					Date 13/03/		103/02				
Residence: City	Zichron Yaakov	State			ountry	Israel		Citizenship ISR		₿R	
Post Office Address				26 Inbar Street							
Post Office Address			•					-			
City	Zichron Yaakov	State			ZIP	30900	Coun	try Israel			
Name of Addition	nal Joint Inventor, if ar	ny:			A petitio	n has been file	d for thi	s unsigned i	nventor		
Given Na	me (first and middle (if any	<u>'</u> ])		Family Name or Surname							
	Benny					RO	USSC	)		İ	
Inventor's Signature					-1/		_	Date	6 M	er Ze	
Residence: City	Rishen Le zion Bat Yam	State		c	ountry	Israel		Citizenship	IS	R	
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valid OMB control number.

PTO/SB/02A (3-97)
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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# **DECLARATION**

# ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>2</u> of <u>2</u>

Name of Addition	nal Joint Inventor, if a	ny:			A petiti	on has been f	iled for th	is unsiç	gned in	ventor
Given Na	me (first and middle (if any	])			Family Name or Surname					
	Bella	Felzen								
Inventor's Signature	156 26							Dat	e	15/10/01
Residence: City	Haifa (	State	,	С	Country Israel Citizen					ISR
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Post Office Address		,	•							
City	Haifa	State			ZIP	34482	Country	<u>, </u>	Isr	ael
Name of Addition	ional Joint Inventor, if any:						entor			
Given Nar	me (first and middle [if any]	)		4		Family N	ame or S	umame	)	
	Andre			,			Routh	ו		
Inventor's Signature	anshe	G	Van	H				Dá	ate	Nov. I.
Residence: City	Lake Jackson	State	TX	C	Country US Citizenship			GB		
Post Office Address			32	3 Ros	sema	ry Lane				
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City	Lake Jackson	State	тх	(	ZiP	77566	Count	try	·	JS
Name of Addition	al Joint Inventor, if an	y:		<b>□</b> A	petitio	n has been fil	ed for this	s unsigi	ned inv	entor
Given Nan	ne (first and middle [if any]	)				Family Na	me or S	urname		
Inventor's Signature	Date									
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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

BEN-HAIM, et al

Group:

Unknown

Serial No.:

09/980,748

Examiner:

Unknown

Filing Date: November 15, 2001

For:

SHOCKLESS DEFIBRILLATION

October 3, 2002

Hon. Commissioner of Patents and Trademarks Washington D.C. 20231

# **CHANGE OF ADDRESS**

SIR:

Please address all future correspondence concerning the above application or any patent to issue to the following:

> William H. Dippert Reed Smith LLP 599 Lexington Avenue New York, New York 10022-7650 (212) 521-5400

Customer No. 026418

Respectfully submitted,

Reg. No. 26,723

# In the United States Patent and Trademark Office In the United States Patent and Trademark Office In the United States Patent and Trademark Office Art United (N/A) Shlomo BEN-HAIM, et al. Serial No.: (N/A) Washington, D.C. Filed: November 15, 2001 For: SHOCKLESS DEFIBRILLATION Docket No.: 20066-21

# **INFORMATION DISCLOSURE STATEMENT [IDS]**

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

(Check one of the boxes A-D)

- [ ] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
  - B. before the mailing date of a first office action on the merits.
- [] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(check one of the boxes "i" and "ii" below:)

[] i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

[] ii. A check for the fee set forth in 1.17(p), presently believed to be \$240, is enclose (check no).
[] D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petition under 37 C.F.R. 1.97(d) for the consideration of this IDS. A check for the fee set forth in §1.17(i presently believed to be \$130 is enclosed (check no). Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
[] 2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached except as explained below.
(check boxes A and/or B and fill in blanks, if appropriate.)  [] A. Document(s) is (are) deemed substantially cumulative to document(s, and, in accordance with 1.98(c), only a copy of each of the latter documents i enclosed.
[] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:
[insert serial numbers and filing dates of prior applications]
Applicant identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d) copies of these documents need not be filed in this application.
[] 3. Document(s) is(are) not in the English language. In accordance with 1.98(c), Applicant states:
An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
A concise explanation of the relevance of document(s) is found in the attached search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).
[] A concise explanation of the relevance of document(s) is set forth as follows: [Insert concise explanation of relevance]
A concise explanation of the relevance of document(s) can be found on page(s) of the specification.
[] A concise explanation of document(s) can be found on the attached sheet.

- 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).
  - [] 5. Other information being provided for the examiner's consideration follows:
- 6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

# **CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS**

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

(1) U.S. Provisional Patent Application Serial no.: 60/136,092, entitled: SHOCKLESS DEFIBRILLATION", filed May 26, 1999;

Respectfully submitted,

Reg No. 24, 25

Date: Noven 2001 Page 1 of 1 FORM PTO-1449 (Colb) ATTY DOCKET NO. **SERIAL NUMBER** (N/A)20066-21 ST OF PATENTS AND PUBLICATIONS **APPLICANT** FOR APPLICANTS' INFORMATION Shlomo BEN-HAIM, et al. **STATEMENT** FILING DATE **GROUP ART UNIT** November 1, 2001 (N/A)**U.S. PATENT DOCUMENTS** Examiner's **FILING Initials** DOCUMENT NO. DATE **SUB** NAME **CLASS** DATE AA Oct. 1997 5,674,251 Combs, et al. AB 5,797,967 Aug. 1998 KenKnight AC5,472,453 Dec. 1995 Alt AD AE AF AG AH FOREIGN PATENT DOCUMENTS TRANS-DOCUMENT NO. DATE **COUNTRY CLASS SUB LATION** AI WO 98/10830 **PCT** AJ AK OTHER ART (Including Author, Bills, Pertinent Pages, Etc.) AL AM **EXAMINER:** DATE CONSIDERED: EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP

609; Draw line through citation if not in conformance and not considered. Include

copy of this form with next communication to applicant.